

Chapter 8: Commitments Supporting Plan Implementation

What type and level of commitments are needed to implement the plan? What benefits do implementers expect in return?

Introduction

Jurisdictions and stakeholders in the Lake Washington/Cedar/Sammamish Watershed (WRIA 8) have a history of working together to conserve salmon habitat. The broad level of commitment that already exists can be shown in the following three examples. First, 27 local governments in the watershed are in their fourth year of a five-year interlocal agreement to jointly fund planning for protection and restoration of salmon habitat across the watershed. Second, local jurisdictions and the U.S. Army Corps of Engineers have undertaken studies that have resulted in dramatic improvements for salmon passage through the Hiram M. Chittenden Locks and are conducting a feasibility study for projects that will improve habitat in the Sammamish River, the Cedar River, and other key river and creek corridors. Third, local governments have designated King Conservation District grants to fund shared watershed priorities through habitat projects, studies, and stewardship opportunities. But the WRIA 8 partners know there is more to be done to help support salmon recovery.

For the WRIA 8 salmon plan to come to life, local governments and participating stakeholders will need to make some type of commitment to implement actions recommended in the plan. Commitment can come in several forms and at varying levels. Before making any commitment, potential implementers will need to evaluate the actions to which they are committing. Potential implementers will want to know what benefits will accrue if they do make a commitment. This will continue to be an iterative discussion among the WRIA 8 Steering Committee, WRIA 8 Forum, local governments, regulatory agencies, and other interested partners leading up to plan approval and ratification.

What benefits do we expect from implementing the plan?

Before asking WRIA 8 partners to make commitments to take action and to spend resources, it makes sense to review what benefits can come from implementing this plan. The original Steering Committee Mission and Goals Statements presented in Chapter 1 lay out expectations for plan goals and benefits. Highlights include:

- Conservation and recovery of Chinook salmon and other anadromous fish
- Preservation, protection and restoration of habitat with the intent to recover listed species, including sustainable, genetically diverse, harvestable populations of naturally-spawning Chinook salmon
- Use of best available science
- Protection of Chinook salmon and, if applicable, other listed species sufficiently to be incorporated into rules issued by the federal government to implement the Endangered Species Act
- Ability to withstand court challenge while providing appropriate certainty and flexibility for major economic and governmental activities in the watershed
- Protection and meaningful exercise of tribal treaty rights

- Support of commercial and sport harvest of those fish from the Lake Washington basin whose populations are not depressed and whose harvest will not adversely impact depressed salmon runs
- Coordination with local and regional responses to the Clean Water Act and other pertinent environmental laws.

Benefits to Salmon and the Public

During the development of the draft plan, the WRIA 8 Steering Committee has had further discussions on the benefits they would like to see become available to implementing entities and the public as a result of plan implementation. Foremost among these are:

- Healthy salmon populations and habitat
- Ecosystem health, including species diversity, maintenance of native species, and water quality
- Legacy for future generations, including commercial, tribal, and sport fishing; quality of life, including cultural heritage

A second tier of benefits includes:

- Preserving options and opportunities for the future
- Change in culture, behavior, and thinking – a paradigm shift
- Funding and assistance from federal and state agencies, co-managers of the fisheries resource, the private sector, and non-profit organizations
- Cleaner, colder water which also benefits public health
- Common priorities for action and resources among WRIA 8 partners
- Assurances for meeting various federal and state laws and requirements beyond the Endangered Species Act, such as the Clean Water Act, the Growth Management Act, National Pollution Discharge Elimination System (NPDES) permits
- Regional cooperation and success on a challenging issue

Implementation of the plan offers other benefits as well:

- Support of local growth management plans
- Public ownership of the problem/Holding participants and others accountable
- Efficient use of resources and investments
- Certainty and predictability for jurisdictions, private sector, and the public
- Streamlining of state and federal permitting processes (WRIA 8 partners would need to work with permitting agencies for this to occur)
- Distributed responsibility for taking action and expending resources
- Shared science upon which actions are based
- Support of improved public safety through protection and restoration of the floodplain

Federal and State Government Assurances

It is not clear at this time exactly what assurances -- whether legal, funding, regulatory, or other -- the federal government could or will provide for implementation of salmon conservation plans at the watershed level. During the last several years NOAA-Fisheries has expressed a general interest in providing some form of legal assurance in return for an "approved" watershed plan, but there has been no apparent progress in determining how such assurances would be provided. In the event that NOAA-Fisheries is interested and able to provide assurances, the Steering Committee is proposing here

some assurances that WRIA 8 partners would like to see. (See Appendix M titled “Assurances Available Under the Endangered Species Act” for background on assurances available from the federal government.)

The Steering Committee does not expect to execute an Incidental Take Permit (Section 10(a) of the Endangered Species Act) that would require a formal contract with the federal government for specific actions spelled out in a Habitat Conservation Plan. However, the federal government should reward commitments from local jurisdictions and others to implement the conservation plan through incentives such as more timely responses from permitting agencies for review of plan actions. If local jurisdictions commit to implementing the conservation plan, then the federal government should endorse the plan actions and stand with the local jurisdictions should there be legal challenges. In addition, the federal government should accept the science that is the foundation of the plan.

Assurances and grants in return for commitments to implement the conservation plan may be appropriate through federal and state laws and programs other than the Endangered Species Act, e.g., under the Clean Water Act and through NPDES stormwater permits. The state should take into account the tangible results of plan implementation that support meeting the requirements of other laws and regulations such as through critical areas ordinances, comprehensive plans, and zoning ordinances required under the Growth Management Act and through shoreline master plans required under the Shoreline Management Act.

Opportunities to receive federal and state grants through the Salmon Recovery Funding Board process should be linked to plan implementation. Other grants such as the Centennial Clean Water Fund and the Washington Wildlife and Recreation Program could offer bonus points for projects that implement the conservation plan.

What is needed to get these benefits?

What Do We Mean By Commitments

Shared Strategy for Puget Sound, a collaboration of federal, tribal, state, and local governments and interested partners working to address salmon recovery at the Puget Sound scale, has defined commitment as “a statement of the willingness of an entity or person to implement an action or set of actions within a designated timeframe. . .

Examples of ways to demonstrate commitments include:

- Past history of commitments -- what has already been done on behalf of salmon recovery?
- Clear action plan describing how and by whom selected projects will be implemented.
- Budgeting for specific actions or projects.
- Incorporating salmon recovery actions into local capital improvement projects.
- Passing a formal resolution pledging to pursue salmon recovery goals.
- Passing regulations that are consistent with local salmon recovery goals.”¹

The Steering Committee expects local jurisdictions and other WRIA 8 partners to make commitments to implement actions over the 10-year plan horizon. In addition, longer term actions (10-20 years out) may not have commitments now, but there needs to be a

¹ Shared Strategy for Puget Sound, April 2004. Commitments and Conditions. Seattle, WA

process to identify these commitments in the future. In Chapter 2, an organizational structure is proposed for plan implementation that could allow WRIA 8 partners to continue to work together to address future commitments.

Before commitments can be finalized, this plan will need to evolve through: additional iterations to incorporate another review by the Steering Committee; input from the public and potential implementers during a public review process in fall 2004; and, discussion, review, and approval by the WRIA 8 Forum in spring 2005 and ratification by local jurisdictions.

Examples from Other Similar Planning Efforts

It is useful to review briefly how other watershed and basin protection and restoration groups have chosen to structure commitments. The level and type of commitments cover a continuum from no formal commitments to signed concurrence plans. Starting at the low end of the continuum, implementation is informal, and left to the discretion of individual implementers. At a step up on the continuum, implementers made commitments to coordinate with other agencies where needed to carry out actions. The next step shows allocation of existing funding, staff, and other resources through budgets and work programs. This demonstrates commitment without necessitating formal agreements. One step more formal is written implementation plans in which implementers individually or together specified how they would implement their actions. The high end of the commitment continuum lists signed or adopted concurrence plans in which implementers agreed to execute specified actions in their area or under their authority. Because the plans reviewed here are in varying stages of ratification and implementation and because accountability has not always been considered, it has been difficult to do an analysis of which type of commitment has been most successful. Generally speaking, when no formal commitments followed plan commitment, implementation has been difficult to track and less successful, while the more formal or stronger the commitment, the more likely the plan is to be carried out.

Regional Process and Local Actions

For successful implementation of the plan, there is a need for regional collaboration and for execution of recommended actions at the local level. Other chapters in this plan provide a fuller discussion of these. In particular, Chapter 2 contains a proposal for organizational structure to continue regional collaboration on tracking, assessing, evaluating, and communicating implementation progress and securing funding. Chapter 5 lays out recommendations for land use policies, site-specific projects, and public outreach actions that require commitments in order to be carried out. To advance the discussion of what commitments are necessary and what are realistic, the Steering Committee will need to review the plan as a whole and make recommendations in a future iteration.

What type of commitments is being sought?

Expectations from Shared Strategy for Puget Sound

Shared Strategy is looking for a description of “recommended actions for at least the next ten years, the likely entities carrying them out, and what it would take to make the commitment to implement them.”² Shared Strategy expects “statements of commitment . . . from local decision-makers by June 2005. These can be in the form of resolutions to

² Shared Strategy for Puget Sound, April 2004. Commitments and Conditions. Seattle, WA

pursue the broader, long-term goal of sustainable, harvestable runs (e.g., ‘We want salmon here and commit to search for creative solutions to achieve recovery goals.’) or in more specific form. For the 5-10 year timeframe, the [Shared Strategy] Development Committee will look for statements that describe specific actions, projects and funding (e.g., projects as part of capital improvement plans; habitat protection/ restoration as part of growth management).³

Commitments from Local Governments

The Steering Committee looked at the following five options along a continuum of level of commitment. These are not mutually exclusive options.

1. Local governments implement plan as they choose; no formal commitments to actions or regional process	2. Local governments continue coordinated regional process , possibly through an interlocal agreement.	3. City/county councils pass resolutions to formally consider plan as guidance and best available science for capital improvement projects, critical areas ordinances and comprehensive plan updates. NPDES permits, shoreline management plans, required under state law	4. City/county councils formally commit to implementing particular actions by signing concurrence plan or interlocal agreement. Actions could be undertaken: --By individual jurisdiction (e.g., specific habitat projects) --Cooperatively by sub-basin (e.g., joint hiring of basin steward) --Watershed-wide (e.g., collaborative analysis of effectiveness monitoring)	5. City/county councils ratify or adopt entire plan as policy and implement through local ordinances and capital improvement projects
---	---	--	--	--

The Steering Committee determined that the first two options at the lower end of the continuum (no formal commitments and coordinated regional process) were insufficient. The Steering Committee saw the middle option of local government councils passing resolutions to formally consider the plan as guidance (3, above) as a minimum commitment to participate. Either of the last two options along the continuum -- local government councils commit to implement particular actions or ratify/adopt the entire plan as policy -- were also favored. In addition, the Steering Committee understood that the more assurances desired from the federal government, the stronger the commitments will need to be. As a corollary, the stronger the commitments implementers are willing to make, the more benefits and rewards they should accrue. In addition, it is possible that level of commitment could vary by type of action, e.g., specific capital improvement projects could merit formal concurrence commitment while land use policies might be considered as guidance for implementation of policies and programs required under other laws.

³ Ruckelshaus, Bill, for the Shared Strategy for Puget Sound Development Committee, December 18, 2003. Attachment to letter to Larry Phillips, King County Councilmember and Co-Chair of the WRIA 8 Steering Committee. Seattle, WA

The Steering Committee also discussed what accountability implementers should have and indicated a clear preference for using positive reinforcement rather than punishment, or as the saying goes, use carrots rather than sticks. After all, implementers will report progress, those who choose not to implement will not have progress to report. In addition, funding should still be available for implementation of plan actions to those who do not formally commit. However, it might be appropriate for there to be some bonus points available in grant opportunities to those who do formally commit.

Commitments from Non-Government Entities

The Steering Committee has begun a discussion of the need for mechanisms for non-governmental entities to be able to show support or sign on to implement the plan. Examples could include public-private partnerships, funding and assistance from foundations, plan endorsement at public review sessions, assistance with public outreach, and providing political support. Junior taxing districts need to be in compliance with local governments, so water and sewer districts will come on board through contract relationships with utilities. State agencies may be able to provide grants through related programs, e.g., grants for improving water quality. (See also the discussion earlier in this chapter on federal and state government assurances.)

Next Steps

This is really just the beginning of the discussion of commitments. The Steering Committee will need to revisit the topic following review of the June 30th work product and proposed actions for all tiers, expected to be available in early fall. The discussion will continue during the public review process in late fall and certainly when the WRIA 8 Forum and local governments formally reviews the plan in 2005. In addition, conversations will need to continue with the Shared Strategy for Puget Sound, federal and state agencies, and other partners.

References

Shared Strategy for Puget Sound, April 2004. Commitments and Conditions. Seattle, WA

Ruckelshaus, Bill, for the Shared Strategy for Puget Sound Development Committee, December 18, 2003. Attachment to letter to Larry Phillips, King County Councilmember and Co-Chair of the WRIA 8 Steering Committee. Seattle, WA

Other plan references to follow.